

REMARKS

This is in response to the final Office Action mailed December 8, 2005, in which the Examiner rejected claims 1-4, 7-13, 15-26, 28, 29 and 31 and objected to claims 5, 6, 27 and 30. Reconsideration of the application is respectfully requested.

Rejections Prematurely Made Final

The Examiner has prematurely made the claim rejections in the present office action final. In particular, Applicant disagrees with the Examiner's finding that "Applicant's amendment necessitated the new ground(s) of rejection."

In the first Office Action mailed March 11, 2005, the Examiner did not reject the claims based on any prior art. Instead, the Examiner improperly rejected claims 1-30 under 35 U.S.C. §112, first paragraph. Because the rejections were improper, the amendments to the claims did not overcome the rejections. Accordingly, the amendments cannot reasonably be found to have necessitated the new ground(s) of rejection.

Furthermore, the amendments were either minor (e.g., change of "disc-facing surface" to "media-facing surface") or described features that were previously described in original claims.

Accordingly, Applicant requests that the Examiner withdraw the finality of the rejections of the claims and address Applicant's arguments for patentability provided herein.

Amendment

With this Amendment, Applicant has amended claim 12 to generally include previously presented claim features, such as

those of claims 1 and 16, for example. Accordingly, the amendments do not necessitate a new search by the Examiner.

Claim Rejections - 35 U.S.C. §102(b) based on Kasamatsu et al.

In Section 4 of the Office Action, the Examiner rejected claims 1-3, 7, 8, 12, 13, 15, 20-23, 28, 29 and 31 under 35 U.S.C. §102(b) as being anticipated by Kasamatsu et al. (U.S. Patent No. 6,246,538). Applicant respectfully disagrees with the Examiner's assessment of the cited reference.

In particular, with regard to claim 1, Applicant disagrees with the Examiner's finding that the surfaces of the projections 30 of Kasamatsu et al. read on the claimed "at least one bearing surface". As explained in the Background of the present application and as understood by those skilled in the art, slider "bearing surfaces" are the surfaces at which the pressure produced by an airflow under the slider generates a flying force that causes the slider to "fly" above the disc surface.

Projections, such as projections 30, do not form "bearing surfaces" or serve the same function as bearing surfaces. As explained in column 2, lines 24-29 of Kasamatsu et al., "projections are provided on rail surfaces (or an air bearing surface) of the head slider facing the magnetic disk to decrease a contact area of the magnetic disk with the head slider [in order to suppress stiction]" Additionally, Kasamatsu et al. describe the rail planes 73 as "an air bearing plane" while describing the projection 74 on the rail plane 73 as functioning to "prevent contact of all rail planes 73 with the magnetic disk" [column 24, lines 53-58; Fig. 23].

Kasamatsu et al. also describe the rail planes 94 (Fig. 30F) as functioning as an "air bearing plane" and as a "flying

force generating plane" [column 29, lines 1-3] while "the projections 97 are arranged on the rail planes 94 [column 29, lines 13-14] to reduce contact between the slider and the disc surface [column 29, lines 31-34].

Thus, while rails generally have "bearing surfaces" or bearing planes, as understood by those skilled in the art, projections formed on rail surfaces for the purpose of reducing stiction between the slider and the disc surface do not.

Applicant submits that Kasamatsu et al. fail to anticipate claim 1 since the reference fails to identically disclose the features of claim 1 including "at least one bearing surface" and "first and second elongated rails extending generally parallel to the longitudinal axis and being disposed about the recessed region, the first and second rails are recessed relative to the bearing surface and each include a media-facing surface". Accordingly, Applicant requests that the rejection be withdrawn.

Additionally, Applicant submits that claims 2, 3, 7 and 8 are not anticipated by Kasamatsu et al. for at least the reasons set forth above, and requests that the rejections be withdrawn.

Claim 12 has been amended to describe the slider as including "at least one bearing surface" and first and second rails that are "recessed relative to the bearing surface". As explained above, Kasamatsu et al. fail to identically disclose such a slider.

Additionally, with regard to claim 12, the Examiner found the grooves 32 of Figs. 16a and 16b to identically disclose "a plurality of rail depressions formed in the first and second rails that are longitudinally displaced from each other along the respective rail" as described in claim 12. However, the cited

grooves 32 are not "formed in" the rails of the cited slider. Rather, the grooves 32 operate to separate leading and trailing rails of the slider. That is, each of the rails 4 is actually divided into two distinct rails that are separated by the grooves 32, as shown in Figs. 16a and 16b. None of the rails of the slider of Figs. 16a and 16b include the claimed depressions.

Accordingly, claim 12 is not anticipated by Kasamatsu et al. since the reference fails to identically disclose all the claimed features. Therefore, Applicant requests that the rejection be withdrawn.

Additionally, Applicant submits that claims 13, 15 and 31 are not anticipated by Kasamatsu et al. for at least the reasons set forth above, and requests that the rejections be withdrawn.

With regard to claim 20, the Examiner found the slider of Figs. 19A and 19B to include a pair of rails 43b and a cross rail formed by "damn (sic.) plateau 43c", which is described by Kasamatsu et al. as another "rail plane" [column 20, lines 8-14]. The rail planes 43b and 43c are "divided" by the slits 49a [column 20, lines 44-46]. Thus, the Examiner is correct in finding that the "depressions [slits 49a] [are] between rails 43b and the damn (sic.) plateau [rail 43c]" (Applicant's emphasis). Accordingly, the depicted slider does not include "a plurality of depressions formed in the cross rail, each depression having a floor that is recessed from the media-facing surface of the cross-rail" as described in claim 20.

Therefore, Applicant submits that claim 20 is not anticipated by Kasamatsu et al. since the reference fails to identically disclose all of the claimed features, and requests that the rejection be withdrawn.

Additionally, Applicant submits that claims 21, 22, 28 and 29 are allowable for at least the reasons set forth above, and requests that the rejections be withdrawn.

Claim Rejections - 35 U.S.C. §102(b) based on Polycarpou et al.

In Section 5 of the Office Action, the Examiner rejected claims 1, 2, 7, 12, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by Polycarpou et al. (U.S. Patent No. 6,466,410). Applicant respectfully disagrees with the Examiner's assessment of the cited reference.

With regard to claim 1, the surfaces of the projections 116-1 are not "bearing surfaces" as explained above. Therefore, Applicant submits that the cited slider of Polycarpou et al. does not identically disclose "at least one bearing surface" and "first and second elongated rails extending generally parallel to the longitudinal axis and being disposed about the recessed region, the first and second rails are recessed relative to the bearing surface and each include a media-facing surface", as described in claim 1. Accordingly, Applicant requests that the rejection be withdrawn.

Additionally, Applicant submits that claims 2 and 7 are allowable for at least the reasons set forth above, and requests that the rejections be withdrawn.

With regard to independent claim 12, Applicant submits that the cited reference fails to identically disclose all of the claimed features including the first and second rails that are "recessed relative to the bearing surface" for the reasons set forth above. Therefore, Applicant submits that claim 12 is not anticipated by the cited reference and request that the rejection

be withdrawn. Additionally, Applicant submits that claims 15 and 16 are allowable for at least the reasons set forth above, and requests that the rejections be withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

In Section 7 of the Office Action, the Examiner rejected claims 4, 9-11, 16-19 and 24-26 under 35 U.S.C. §103(a) as being unpatentable over Kasamatsu et al. Applicant respectfully believes that the rejections are improper.

In particular, the Examiner failed to identify with any particularity where each of the features of the rejected claims are disclosed. Rather, the Examiner provided only conclusory statements that Kasamatsu et al. discloses the claimed features. Applicant submits that such conclusory findings cannot support a *prima facie* case of obviousness against the claims. Accordingly, Applicant submits that the rejections are improper.

Additionally, Applicant submits that the rejections must fail for at least the reasons set forth above regarding independent claims 1, 12 and 20. Therefore, Applicant requests that the rejections be withdrawn.

Conclusion

In view of the above comments and remarks, Applicant submits that the present application is in condition for allowance. Reconsideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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